

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JULIE STRAUB, DAVID ALTREUTER,
HOWARD BERSTEIN, DONALD E. CHICKERING III,
SARWAT KHATTAK, and GREG RANDALL

Appeal No. 2008-3948
Application No. 10/053,929

Mailed: September 30, 2008

Before DALE M. SHAW, *Chief Appeals Administrator*
SHAW, Chief Appeals Administrator.

ORDER REMANDING TO EXAMINER

On April 9, 2007, Appellants filed a Notice of Appeal. On July 9, 2007, Appellants filed an Appeal Brief. On December 18, 2007, Appellants filed a Reply Brief and a Request for Oral Hearing. On June 10, 2008, the Board of Patent Appeals and Interferences (hereinafter "Board") mailed a Docketing Notice.

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INFORMATION DISCLOSURE STATEMENT

Appellants filed an Information Disclosure Statement (IDS) dated September 4, 2008. There is no indication on the record that the Examiner has considered the above IDS. MPEP § 609 requires the Examiner to consider any IDS filed by Applicant if timely submitted. A written communication notifying Appellants of the Examiner's consideration of the above IDS is required.

CONCLUSION

Accordingly, it is

ORDERED that this application be returned to the Examiner to:

- (1) consider the IDS filed September 4, 2008; and
- (2) for such further action as may be appropriate.

If there are any questions pertaining to this Remand, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

DMS/clj

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